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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,143	12/30/2005	Bjorn Refsum	OPA 324	4564
7590 Anton E. Skaugset Kolisch Hartwell, P.C. 200 Pacific Building 520 S.W. Yamhill Street Portland, OR 97204			EXAMINER NELSON JR, MILTON	
			ART UNIT 3636	PAPER NUMBER
			MAIL DATE 07/26/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/563,143

Applicant(s)

REFSUM, BJORN

Examiner

Milton Nelson, Jr.

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/16/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 6-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/30/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information referred to in the information disclosure statement filed May 3, 2006 has been considered.

Preliminary Amendment

Applicant's preliminary amendment has been entered.

Claim Objections

Claims 6 and 7 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "such as" (see lines 2 and 8) renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

In line 1, it is unclear if Applicant intends to positively claim the combination of a locking device and a stem, or the subcombination of a locking device for a stem. Lines 1 to 2 appear to set forth the subcombination. Note the recitation "Locking device for height adjustment of a module, such as a children's set on a stem". Line 6 appears to set forth the combination. Note the recitation of the friction element of the locking device "arranged between the handle and the stem". Clarification in the claim language is required. The claims have been treated as if the combination is intended to be claimed. In line 2 of claim 2, it is unclear if Applicant intends to positively define a seat "or" a bracket.

Regarding claim 3, the phrase "possibly connected" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention.

In claim 3, it is unclear if Applicant intends to positively claim the combination of a footrest and a seat, or the subcombination of a footrest for use with a seat. Line 1 appears to set forth the subcombination. Note the recitation of a footrest "for a children's' seat". Line 3 appears to set forth the combination. Note the recitation of guides of the footrest "integrated in the seat". Clarification in the claim language is required. The claim has been treated as if the combination is intended to be claimed.

Regarding claim 4, the phrase "such as" (see line 2) renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

In claim 2, it is unclear if Applicant intends to positively claim friction system "or" a hole-and-pin system".

Claim 5 is indefinite since it depends from an indefinite claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2, as best understood with the above cited indefiniteness, are rejected under 35 U.S.C. 102(b) as being anticipated by Cramer (2659413). Note the casing (40), stem (16), handle (57), friction element (30, 56)), spring (54), friction pattern (32'), and bracket (48).

Claims 3, 4 and 5, as best understood with the above cited indefiniteness, are rejected under 35 U.S.C. 102(b) as being anticipated by Kassai (4714292). In Figures 1-11, note the rails (21), foot plate (9), guides (11) integrated into portion 5 of the seat, locks (22-24), and different positions (see paragraph 5 in column 5).

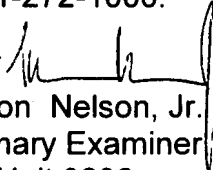
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is (571) 272-6861. **The examiner can normally be reached on Mon-Thurs, and alternate Fridays, 5:30-3:00 EST.**

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Milton Nelson, Jr.
Primary Examiner
Art Unit 3636

mn
July 21, 2007